

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

RAFAEL FONTANEZ-GOMEZ

PETITIONER

VS.

CIVIL ACTION NO. 5:04cv231-DCB-JCS

CONSTANCE REESE, WARDEN

RESPONDENT

**FINAL JUDGMENT**

This cause is before the Court on Magistrate Judge James C. Sumner's Report and Recommendation [**docket entry no. 19**], which recommends that the petitioner's Petition for a Writ of Habeas Corpus [**docket entry no. 1**] be dismissed without prejudice, and the Court having adopted the Report and Recommendation of even date herewith. Accordingly,

IT IS HEREBY ORDERED that this action is dismissed without prejudice.

SO ORDERED, this the 22<sup>nd</sup> day of December, 2006.

S/DAVID BRAMLETTE  
UNITED STATES DISTRICT JUDGE